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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,176	08/06/2001	John E. McCall	1092-039US01 (1559US01)	9866
7590 12/04/2006			EXAMINER DIXON, THOMAS A	
Kari H. Bartingale Shumaker & Sieffert, P.A. Suite 105 8425 Seasons Parkway St. Paul, MN 55125			ART UNIT 3628	
DATE MAILED: 12/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/923,176

Applicant(s)

MCCALL, JOHN E.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 23-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/29/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/27/06 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, though the references do not explicitly state a reason to combine, the knowledge generally available to one of ordinary skill would make the combination obvious. Though the technician in Wakefield II is concerned with wheelchairs and the technician in Barker et al is concerned about automobiles the one of ordinary skill in the art is the software developer, and as a software developer the object that the technician is working on would be of less concern than the technician and the technician's preferences. With the diverse workforce available to employers locally and globally it would be obvious to have the technician's software enabled so as to be used around the world.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., storage of advisory information in multiple languages) are not recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Action made final***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-9, 10-11, 21, 23-28, 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield II (5,961,561) in view of Barker et al (6,314,422).

As per Claim 1, 25.

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Wakefield II ('561) discloses:

accessing a customer account record based on a customer identifier input by a field service provider, see figure 2 (34);

accessing a data-type record of the customer record, the data-type record storing advisory information associated with the customer account identifier, the advisory information formatted in one language, see figure 6 (56);

selecting from the data type record customized advisor information formatted to a language associated with the field service provider, see figure 6 (56);

presenting the customized advisory information to the field service provider through the network device, see figure 6.

Wakefield II ('561) does not disclose a plurality of languages.

Barker et al ('422) teaches technician language preferences and using the preferred language based on the technician's login and preferences, see column 5, lines 53-64 to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display advisory information based on the language preference of the technician as taught by Barker et al to enable technicians to quickly and correctly-diagnose problems.

As per Claim 2, 26.

Wakefield II ('561) further discloses the field service provider is a person associated with a natural language and the customized advisory information selected by the selecting act is formatted in the natural language, see figure 6 (62).

As per Claim 3 27.

Wakefield II ('561) further discloses field service provider is a computing module associated with a computer based language and the customized advisory information selected by the selecting act is formatted in the computer-based language, see figure 6 (code 33)

As per Claim 4, 28.

Wakefield II ('561) further discloses the customer account identifier is associated with a destination facility, see figure 4.

As per Claim 6, 30.

Wakefield II ('561) further discloses the customer account identifier is associated with a utility device at the destination facility, see abstract.

As per Claim 7, 31.

Wakefield II ('561) further discloses formatting the customized advisory information to a presentation format based on the network device through which the field service provider is accessing the network advisory system, see figures 6,7 and column 4, lines 44-50.

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As per Claim 8, 32.

Wakefield II ('561) further discloses the presentation format is textual, see figure 6.

As per Claim 9, 33.

Wakefield II ('561) does not specifically disclose determining the language to which the customized advisory information is formatted based on a provider identifier input by the field service provider.

Barker et al ('422) teaches technician language preferences and using the preferred language based on the technician's login and preferences, see column 5, lines 53-64 to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display advisory information based on the language preference of the technician as taught by Barker et al to enable technicians to quickly and correctly diagnose problems.

As per Claim 10, 34.

Wakefield II ('561) further discloses:

receiving collected data associated with a data type, see column 2, lines 3-4;  
generating a data conclusion based on an analysis between the collected data and an advisory rule corresponding to the data type, see column 2, lines 43-54 and column 4, lines 23-50;

mapping the data conclusion to the advisory information, see figure 6 (code 33, and text explanation);

storing the advisory information in a storage module including one or more customer account records each including one or more data-type records, see figure 2 (34, 86, 124, 150, 168, 174).

As per Claim 11, 35.

Wakefield II ('561) further discloses:

selectively storing the advisory information in a customer account record based on a customer account identifier associated with the collected data from which the advisory information was generated, see figures 2-4;

selectively storing the advisory information in a data-type record of the customer account record based on the data type associated with the collected data from which the advisory information was generated, see figures 2-4.

As per Claim 21.

Wakefield II ('561) discloses:

a data collector, see figure 1 (10);

an advisory module, see (12);

a registration/communication module, see (13, 14).

As per Claims 23-24.

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The limitations of the claims do not distinguish the claimed apparatus from the prior art.

4. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty et al (6,735,293) in view of Barker et al (6,314,422).

As per Claim 12.

Doherty et al ('293) discloses:

receiving an provider identifier associated with the field service provider, see figure 5A (322);

receiving a customer account record based on a customer identifier input by a field service provider, see figure 5A (306);

selecting a specific data conclusion based on the customer account identifier, see figure 5A (300);

mapping the specific data conclusion to advisory information customized to a language format associated with the field provider as specified by the provider identifier, see column 9, lines 55-56; and

presenting the customized advisory information to the field service provider through the network device, see column 10, lines 4-6.

Doherty et al ('293) does not disclose a plurality of languages.

Barker et al ('422) teaches technician language preferences and using the preferred language based on the technician's login and preferences, see column 5, lines 53-64 to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display advisory information based on the language preference of the technician as taught by Barker et al to enable technicians to quickly and correctly diagnose problems.

As per Claim 13.

Doherty et al ('293) further discloses the service provider is a person associated with a natural language and the customized advisory information is formatted in the natural language, see column 10, lines 4-6.

As per Claim 14.

Doherty et al ('293) further discloses the service provider is a computing module associated with a computer-based language and the customized advisory information is formatted in the computer-based language, see column 9, lines 20-56.

As per Claim 15.

Doherty et al ('293) further discloses receiving a customer account identifier identifying the destination facility at which the service is to be provided, see column 9, lines 35-43.

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As per Claim 16.

Doherty et al ('293) further discloses providing the work order to the service technician via pager or email, which can receive messages at any time, including while the technician is in transit, see column 10, lines 4-6.

As per Claim 17.

Doherty et al ('293) further discloses the destination facility is associated with a customer of a service providing company employing the field service person to provide the service to the customer on behalf of the service providing company, see column 2, lines 21-44.

As per Claim 18.

Doherty et al ('293) further discloses the destination facility is associated with a customer of a service providing company, see column 2, lines 21-44.

As per Claim 19.

Doherty et al ('293) further discloses formatting the customized advisory information to a presentation format based on the network device through which the field service provider is accessing the network advisory system, see column 10, lines 4-6.

As per Claim 20.

Doherty et al ('293) further discloses the format is text, see column 10, lines 4-6.

5. Claims 21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al (5,694,323) in view of Barker et al (6,314,422)..

As per Claim 21.

Koropitzer et al ('323) discloses:

a data collector, see column 4, lines 1-30;

an advisory module, see column 9, lines 26-64;

a registration/communication module, see column 12, lines 44-51.

Koropitzer et al ('323) does not disclose a plurality of languages.

Barker et al ('422) teaches technician language preferences and using the preferred language based on the technician's login and preferences, see column 5, lines 53-64 to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display advisory information based on the language preference of the technician as taught by Barker et al to enable technicians to quickly and correctly diagnose problems.

As per Claims 22-24.



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The limitations of the claims do not distinguish the claimed apparatus from the prior art.

6. Claims 5, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield II (5,961,561) in view of Barker et al (6,314,422) in view of Doherty et al (6,735,293).

As per Claim 5, 29.

Wakefield does not specifically disclose transmitting advisory information to the field service provider as the field service provider is in transit between a first destination facility and a second destination facility.

Doherty et al ('293) teaches providing the work order to the service technician via pager or email, which can receive messages at any time, including while the technician is in transit, see column 10, lines 4-6, for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

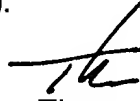
Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit information to the field service provider between a first destination and a second destination for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

November 06